



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,331	11/24/2003	Toyokazu Sugimoto	16869S-101800US	6557

20350 7590 06/08/2009

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

NGUYEN, THUY-VI THI

ART UNIT

PAPER NUMBER

3689

MAIL DATE

DELIVERY MODE

06/08/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/722,331

Applicant(s)

SUGIMOTO ET AL.

Examiner

THUY VI NGUYEN

Art Unit

3689

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 1-4 and 7-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5, 6, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date 11/24/03.
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Examiner's Comments

1. This action is in response to applicant's election received on 10/02/2008 wherein:
Claims 5-6, 19-20 (Group II) have been elected without traverse. The remainder of claims 1-20 are withdrawn.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 5-6, 19-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

1) Independent claims 5 and 20, recites the limitation "the corrected user" in second step. There is insufficient antecedent basis for this limitation in the claim.

2) Independent claims 5 and 20, steps (d) and (f), the terms "a facility reservation DB" is unclear. Does it mean a facility reservation database?

3) Claim 6, the term "a ...DB" is inappropriate abbreviation because it's not what this term means and abbreviation changes with time and condition.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. **Claims 5-6, 19-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over MCGEE ET AL (US 2004/0065726) in view of MAEDA ET AL (US 5,987,420).

As for independent claim 5, MCGEE ET AL discloses an admission control method for controlling entrance into one or more facilities installed in a site on the basis of an admission ticket having an information memory element mounted therein with a

unique first identifier capable of being identified by a computer and also having a unique second identifier marked thereon and capable of being identified by a person

{see figures 2A-2B, at least pars. 0006, 0022-0023, 0041 discloses "the ticket comprises a *magnetic stripe or barcode 30* and the *identifier 32*, seat number or photo ID} said method comprising the steps of:

a) providing a display marked screen to a user terminal connected via a communication network to prompt a user to input information about the ticket e.g. identifier from the ticket;

{see figures 1, 4 (step 54) pars. 0038, 0044-0046, disclose the user input or enter into processing device information about the ticket, e.g. the identifier of the ticket}

b) receiving said input identifier and authenticating the correct user based on the identifier;

{see figure 4, steps 56-57, pars. 0038, 0044-0045 "disclose the identifier is transmitted to a host computer system, upon receipt of the identifier, the host computer system authorized the changes status of the ticket to an active status; par. 0029 discloses an authentication process at the time of redemption}

e) reading said first identifier of said admission ticket carried by the user who wants to enter one of the facilities installed in said site

{see figures 4-5 (step 62), pars. 0026, 0039, 0045, discloses *the ticket identifier is read* at the facilities or redemption locations e.g. amusement park or theater, or sporting event}

f) referring to said facility reservation DB with use of said read first identifier as a key and controlling the entrance of one of the facilities installed in the site

{see pars. 0012, 0025-0026, 0037, 0039, 0045 discloses the database 16 which store information about the ticket, e.g. identifiers, the date and time of the redemption and the redemption location; and when identifier is read, and transmitted to the computer system to verify the ticket is active, if it is verified, the user or patron may be admitted to the entrance}.

Note: for convenience, letters (a)-(f) are added to the beginning of each step.

Note: As for the phase "facility reservation DB", this is inherently included in the system of MCGEE ET AL because MCGEE ET AL discloses the database 16 which stores ticket information, e.g. ticket identifier and the correct day and time for the ticket to be redeemed, the redemption location or facility name and ticket status as shown on figure 1, pars. 0012, 0014, 0028, 0039 and 0045. Alternatively, It would have been obvious to included the database system of MCGEE ET AL to store other information such as reservation information as desired.

MCGEE ET AL discloses the processing device for user to input ticket information such as ticket identifier as indicated in step (a) above, However, MCGEE ET AL does not explicitly disclose the inputting the data information about the facility name and reservation time (step c) and recording or registering of the input facility name and input reservation time in a facility reservation DB associated with the identifier (step d).

In the similar method of controlling an admission ticket, MAEDA ET AL discloses the selection key for each attraction(facility name) and its starting time appear on

display unit 12 of reservation media issuing device 1 which guides the user in selecting attractions (facility name) and a reserved time for each attraction {see figures 1-2, col. 3, lines 35-63; col. 6, lines 57-67; col. 7, lines 11-17; and lines 37-60}; and information about the reservation time and a location or facility name or attractions are entered and stored or registered or recorded in a central processing device thus obtaining the benefit of "optimizing admissions" which are "eliminating waiting lines" while increasing "time to patronize the shops in the park" to improve park gross sales, as taught by col. 1, lines 5-25. {see also figures 1-2, col. 3, lines 35-40, col. 6, lines 57-67; col. 7, lines 11-17; and lines 37-60}.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the method for controlling an admission ticket of **MC GEE ET AL** to include the inputting or entering information such as the facility name or location and a reservation time from the user and recorded this information in the system or database as taught by **MAEDA ET AL** in order to provide the user or customer the opportunity to select or enter the reserved time and the location which he desires, thus obtaining the benefit cited above which are "eliminating waiting lines" while increasing "time to patronize the shops in the park" to improve park gross sales, as taught by col. 1, lines 5-25.

As for dependent claim 6, discloses the condition of the reading of the first identifier from the admission ticket ends in a failure or non-responsive, the database is updated ticket status and reissue an admission ticket using various ticket identifiers, this

is taught in MCGEE ET AL pars. 0031-0032, and claim 25. Alternatively, the use of any other ticket identifiers would have been obvious as mere using other similar parameters.

As for independent claim 19, which MCGEE ET AL discloses a computer program product to be executed in an admission control system for controlling entrance in a site or in one of facilities installed in the site on the basis of an admission ticket having {see figures 1-5} , basically this claim have the similar steps as the independent 1 above. It is rejected for the same reason sets forth the independent claim 1 as indicated above.

As for dep. claim 20, basically this deals with computer program product comprising the codes for performing the similar step of dep. claim 6 above. It is rejected for the same reason sets forth dep. Claim 6 as indicated above.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy-Vi Nguyen whose telephone number is 571-270-1614. The examiner can normally be reached on Monday through Thursday from 8:30 A.M to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on 571-272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. N./
Examiner, Art Unit 3689

/Tan Dean D. Nguyen/
Primary Examiner, Art Unit 3689